

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT

KITTY MARIE FREEGARD,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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File No. 1:14-cv-34-jgm-jmc

ORDER

The Magistrate Judge's Report and Recommendation was filed December 23, 2014. (Doc. 16.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Plaintiff's motion for an order reversing the decision of the Commissioner (Doc. 7) is GRANTED in part. Defendant's motion for an order affirming the Commissioner's decision (Doc. 12) is DENIED. This matter is again REMANDED for further proceedings and a new decision.

As noted by Magistrate Judge Conroy, the Commissioner of Social Security retains discretion to make an assignment to a different Administrative Law Judge (ALJ) on remand. (Doc. 16 (Report and Recommendation) at 15.) In this case, the Court strongly recommends the Commissioner consider assigning a different ALJ as this is the second time the matter is being remanded for a reassessment of the evidence.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 4th day of February, 2015.

/s/ J. Garvan Murtha
Honorable J. Garvan Murtha
United States District Judge